

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CYNTHIA COLACCHIA; KARINA VESIAN; ELIZANDRA CRUZ;
SAMANTHA DUVAL; JOHN MORRIS; and, BETH RICHINO-BROWN

DEFENDANTS

MIDLAND FUNDING, LLC; and,
MIDLAND CREDIT MANAGEMENT, INC.

(b) County of Residence of First Listed Plaintiff MONTGOMERY
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

JOSEPH M. ADAMS, ESQ.
LAW OFFICE OF JOSEPH M. ADAMS
200 HIGHPOINT DRIVE, SUITE 211A, CHALFONT, PA 18914
215-996-9977

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. Section 227, et seq.

Brief description of cause:

Defendants placed illegal auto-dialed collection calls to Plaintiffs' cell phones

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: SEE ATTACHED.

Address of Defendant: 3111 Camino Del Rio North, Suite 1300, San Diego, California 92108

Place of Accident, Incident or Transaction: MONTGOMERY COUNTY, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☒ No ☐

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) 47 U.S.C. Section 227, et seq.

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Joseph M. Adams, Esq., counsel of record do hereby certify:
☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
☒ Relief other than monetary damages is sought.

DATE: 1/27/2017

Attorney-at-Law

58430

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/27/2017

Attorney-at-Law

58430

Attorney I.D.#

ADDRESSES OF PLAINTIFFS

Cynthia Colacchia
333 S. Line St.
Apt. F-1
Lansdale, PA 19446

Karina Avesian
1443 Lindbergh Ave.
Abington, PA 19001

Elizandra Cruz
10200 Hedgerow Ct.
Apt. 1204
El Paso, TX 79925

Samantha Duval
1307 Needham Cir.
Hatfield, PA 19440

John Morris
120 King St.
Pottstown, PA 19464

Beth Richino-Brown
45 Edward Rd.
Hatboro, PA 19040

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

CYNTHIA COLACCHIA, et al.

v.

MIDLAND FUNDING, et al.

:
:
:
:
:
:
:
:

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus - Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security - Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos - Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management - Cases that do not fall into any one of the other tracks. (X)

1/27/2017
Date

Joseph M. Adams, Esq.
Attorney-at-law


Attorney for Plaintiff

215-996-9977
Telephone

215-996-9111
FAX Number

josephmadamsesq@verizon.net
E-Mail Address

VERIFIED COMPLAINT

INTRODUCTION AND PRELIMINARY STATEMENT

1

JURISDICTION AND VENUE

1. Jurisdiction of this Court arises under 47 United States Code, Section 227(b)(3) and 28 United States Code, Section 1337.

2. Venue in this District is proper because Defendants transact business in this District and the conduct complained of occurred in this District.

3. At all material times herein, Plaintiffs are each individuals residing in Montgomery County, Pennsylvania.

4. At all material times herein, MF is a foreign limited liability company existing under the laws of the state of Delaware and engaged in business in Pennsylvania, with its principal place of business located at 3111 Camino Del Rio North, Suite 1300, San Diego, California 92108, that, itself and through its subsidiaries, regularly purchases and collects defaulted consumer debts from residents in the Eastern District of Pennsylvania.

5. At all material times herein, MCM is a foreign for-profit corporation existing under the laws of the state of Kansas and engaged in business in Pennsylvania, with its principal place of business located at 3111 Camino Del Rio North, Suite 1300, San Diego, California 92108, that, itself and through its subsidiaries, regularly collects defaulted consumer debts owed or asserted to be owed to MF from residents in the Eastern District of Pennsylvania.

GENERAL ALLEGATIONS

6. At all material times herein, Defendants act themselves or through their agents, employees, officers, members, directors, successors, assigns, principals, trustees, sureties, subrogees, representatives, third-party vendors, and insurers.

7. Upon information and belief, MF purchased debts allegedly owed by each of the Plaintiffs after such debts entered default.

8. Upon information and belief, MF assigned Plaintiffs' debts to MCM for collection.

9. At all material times herein, MCM acted on MF's behalf, and with MF's knowledge, consent, and approval when MCM made telephone calls to Plaintiffs in its attempts to collect each Plaintiffs' respective debt.

10. All necessary conditions precedent to the filing of this action occurred or Defendants waived.

FACTUAL ALLEGATIONS

11. MCM made telephone calls, as more specifically alleged below, to Cynthia Colacchia, f/k/a Cynthia Roberto's cellular telephone number 215.XXX.1242, Karina Avesian's cellular telephone number 484.XXX.2642, Elizandra Cruz's cellular telephone number 484.XXX.8070, Samantha Duval, f/k/a Samantha Rissmiller's cellular telephone number 267.XXX.8335, John Morris' cellular telephone number 484.XXX.4191, and Beth Richino-Brown, f/k/a Beth Richino's cellular telephone number 267.XXX.3720 (hereinafter collectively, "Plaintiffs' Cellular Telephones") using an automatic telephone dialing system (hereinafter, "ATDS"), a predictive telephone dialing system (hereinafter, "PTDS"), or an artificial or pre-recorded voice (hereinafter, "APV").

12. At all material times herein, Cynthia Colacchia, f/k/a Cynthia Roberto, is the owner, regular user, and possessor of a Cellular Telephone with assigned number 215.XXX.1242 (hereinafter, "Plaintiff Colacchia's Cellular Telephone").

13. At all material times herein, Karina Avesian is the owner, regular user, and possessor of a Cellular Telephone with assigned number 484.XXX.2642 (hereinafter, "Plaintiff Avesian's Cellular Telephone").

14. At all material times herein, Elizandra Cruz is the owner, regular user, and possessor of a Cellular Telephone with assigned number 484.XXX.8070 (hereinafter, "Plaintiff Cruz's Cellular Telephone").

15. At all material times herein, Samantha Duval, f/k/a Samantha Rissmiller, is the owner, regular user, and possessor of a Cellular Telephone with assigned number 267.XXX.8335 (hereinafter, "Plaintiff Duval's Cellular Telephone").

16. At all material times herein, John Morris is the owner, regular user, and possessor of a Cellular Telephone with assigned number 484.XXX.4191(hereinafter, "Plaintiff Morris' Cellular Telephone").

17. At all material times herein, Beth Richino-Brown, f/k/a Beth Richino, is the owner, regular user, and possessor of a Cellular Telephone with assigned number 267.XXX.3720 (hereinafter, "Plaintiff Richino-Brown's Cellular Telephone").

18. At no time herein did Defendants possess prior express consent to call any of the Plaintiffs' Cellular Telephones using an ATDS, a PTDS, or an APV.

19. If Defendants contend they possessed consent to call Plaintiff Duval's Cellular Telephone, Samantha Duval, f/k/a Samantha Rissmiller revoked any consent the moment she answered one of Defendants' phone calls, orally revoked such consent, and demanded Defendants cease calling Plaintiff Duval's Cellular Telephone.

20. If Defendants contend they possessed consent to call Plaintiff Morris' Cellular Telephone, John Morris revoked any consent the moment he answered one of Defendants' phone calls, orally revoked such consent, and demanded Defendants cease calling Plaintiff Morris' Cellular Telephone.

21. At no time herein did Defendant possess prior express consent to call Plaintiff Colacchia's Cellular Telephone as Cynthia Colacchia, f/k/a Cynthia Roberto, obtained Plaintiff Colacchia's Cellular Telephone number after MF acquired the debt it attempted to collect from Cynthia Colacchia, f/k/a Cynthia Roberto.

22. At no time herein did Defendant possess prior express consent to call Plaintiff

Avesia's Cellular Telephone as Karina Avesia obtained Plaintiff Avesian's Cellular Telephone number after MF acquired the debt it attempted to collect from Karina Avesian.

23. At no time herein did Defendant possess prior express consent to call Plaintiff Cruz's Cellular Telephone as Elizandra Cruz obtained Plaintiff Cruz's Cellular Telephone number after MF acquired the debt it attempted to collect from Elizandra Cruz.

24. At no time herein did Defendant possess prior express consent to call Plaintiff Richino-Brown's Cellular Telephone as Beth Richino-Brown, f/k/a Beth Richino never provided Plaintiff Richino-Brown's Cellular Telephone to Defendants or the original creditor.

25. Additionally, if Defendants contend they made the below-referenced phone calls for "informational purposes only," they nevertheless lacked the required prior express written consent necessary to place such informational calls to any of Plaintiffs' Cellular Telephones using an ATDS, a PTDS, or an APV.

26. MCM made each call to Plaintiffs' Cellular Telephones on MF's behalf, and with MF's consent, knowledge, and approval.

27. Despite lacking prior express consent, from 2011 through the filing of this Complaint, Defendants made approximately two (2) calls every day to Plaintiff Colacchia's Cellular Telephone using an ATDS, a PTDS, or an APV.

28. Despite lacking prior express consent, from approximately July 2015 through June 2016, Defendants made approximately three (3) calls every day to Plaintiff Avesian's Cellular Telephone using an ATDS, a PTDS, or an APV.

29. Despite lacking prior express consent, from approximately January 2014 through 2015, Defendants made approximately three (3) calls every day to Plaintiff Cruz's Cellular Telephone using an ATDS, a PTDS, or an APV.

30. Despite lacking prior express consent, from 2012 through 2013, Defendants made

approximately six (6) calls every day to Plaintiff Duval's Cellular Telephone using an ATDS, a PTDS, or an APV.

31. Samantha Duval, f/k/a Samantha Rissmiller answered *at least* one of Defendants' immediately-aforementioned telephone calls within the first week of Defendant's calls, orally revoked any prior express consent Defendants possessed to call Plaintiff Duval's Cellular Telephone using an ATDS, a PTDS, or an APV, and demanded Defendants cease calling Plaintiff Duval's Cellular Telephone.

32. Despite lacking prior express consent, from 2014 through 2015, Defendants made telephone calls every day to Plaintiff Morris' Cellular Telephone using an ATDS, a PTDS, or an APV.

33. John Morris answered *at least* one of Defendants' immediately-aforementioned telephone calls, orally revoked any prior express consent Defendants possessed to call Plaintiff Morris' Cellular Telephone using an ATDS, a PTDS, or an APV, and demanded Defendants cease calling Plaintiff Morris' Cellular Telephone.

34. Despite lacking prior express consent, from 2013 through approximately May 2015, Defendants made approximately four (4) calls every day to Plaintiff Richino-Brown's Cellular Telephone using an ATDS, a PTDS, or an APV.

35. As of September 1, 2016, the Plaintiffs each retained Leavengood, Dauval, Boyle & Meyer, P.A. and the Law Office of Joseph M. Adams (hereinafter collectively "Undersigned Counsel") for representation with respect to their TCPA claims against Defendants.

36. Plaintiffs retained Undersigned Counsel for the purpose of pursuing this matter against Defendants, and Plaintiffs are obligated to pay their attorneys a reasonable fee for their services.

37. Plaintiffs have not been able, due to both professional and/or personal

commitments, as well as the continued and increasing stress associated with the continued barrage of autodialed telephone calls, to record the specifics on each and every call made to Plaintiffs. Plaintiffs assert, however, that the above-referenced calls are but a sub-set of the total calls they are aware of and that each caused emotional distress, anxiety, and inability to use their respective Cellular Telephones when Defendants made such calls, all made in violation of the TCPA. Moreover, Defendants are in the best position to determine and ascertain the number and methodology of calls made to Plaintiffs.

38. United States Code, Title 47, Section 227(b)(3) provides for the award of \$500.00 or actual damages, whichever is greater, for each telephone call made to Plaintiffs' Cellular Telephones using any ATDS, PTDS, or APV to Plaintiffs' Cellular Telephones in violation of the TCPA or the regulations prescribed thereunder.

39. Additionally, the TCPA, Section 227(b)(3) allows the trial court to increase the damages up to three times, or \$1,500.00, for each telephone call made to Plaintiffs' Cellular Telephones using any ATDS, PTDS, or APV to Plaintiffs' Cellular Telephones in willful or knowing violation of the TCPA or the regulations prescribed thereunder.

**COUNT ONE:
TELEPHONE CONSUMER PROTECTION ACT-
VIOLATION OF 47 UNITED STATES CODE, SECTION 227(b)(1)(A)**

Plaintiffs re-allege paragraphs one (1) through thirty-nine (39) as if fully restated herein and further state as follows:

40. Defendants are both subject to, and violated the provisions of, 47 United States Code, Section 227 (b)(1)(A) by using an ATDS, a PTDS, or an APV to call a telephone number assigned to a cellular telephone service without Plaintiffs' prior express consent.

41. At no time herein did Defendants possess consent to call any Plaintiffs' Cellular Telephones using an ATDS, a PTDS, or an APV.

42. Despite lacking Plaintiffs' prior express consent, MCM, on MF's behalf—and with MF's consent, knowledge, and approval—used an ATDS, a PTDS, or an APV to make calls to each of the Plaintiffs' Cellular Telephones *at least* two (2) to six (6) times a day.

43. The phone calls MCM made to Plaintiffs on MF's behalf—and with MF's consent, knowledge, and approval—are the result of a repeated willful and knowing violation of the TCPA.

44. As a direct and proximate result of Defendants' conduct, Plaintiffs each suffered:
- a. The periodic loss of his or her cellular telephone service;
 - b. Lost material costs associated with the use of peak time cellular telephone minutes allotted under his or her cellular telephone service contract; and
 - c. Emotional distress, anxiety, loss of sleep, and deterioration of relationships, both personal and professional, as a result of the repeated willful and knowing calls placed in violation of the TCPA.

PRAYER FOR RELIEF

WHEREFORE, as a direct and proximate result of the Defendants' conduct, Plaintiffs respectfully request entry of:

- a. Judgment against Defendants declaring that Defendants violated the TCPA;
- b. Judgment enjoining Defendants from making further autodialed phone calls to Plaintiffs' Cellular Telephones;
- c. Judgment for each of the Plaintiffs against Defendants awarding the greater of actual damages or statutory damages in the amount of \$500.00 for each of Defendants' telephone calls to Plaintiffs' Cellular Telephones in violation of the TCPA;
- d. Judgment for each of the Plaintiffs against Defendants awarding treble damages in the amount of an additional \$1,000.00 for each telephone call made to the Plaintiffs' Cellular Telephones in violation of the TCPA where Defendants acted

knowingly and/or willfully; and

e. Any other such relief the Court may deem proper.

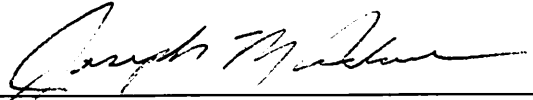
DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues triable by right.

SPOLIATION NOTICE AND DEMAND TO RETAIN EVIDENCE

Plaintiffs hereby give notice to Defendants and demand that Defendants and their affiliates safeguard all relevant evidence—paper, electronic documents, or data—pertaining to this litigation as required by law.

Respectfully Submitted,



Joseph M. Adams, Esq., PBN 58430

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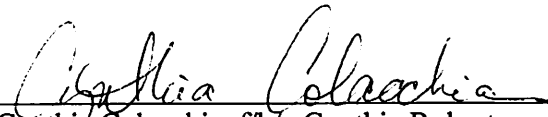
pro hac vice application forthcoming

Attorneys for Plaintiffs

VERIFICATION OF COMPLAINT AND CERTIFICATION

Plaintiff, Cynthia Colacchia, f/k/a Cynthia Roberto, hereby says as follows:


1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit which has been attached to this Complaint, if any, is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated any exhibits, except that some of the attached exhibits, if any, may contain some of my own handwritten notations.
8. I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 27, 2017.


Cynthia Colacchia, f/k/a Cynthia Roberto

VERIFICATION OF COMPLAINT AND CERTIFICATION

Plaintiff, Karina Avesian, hereby says as follows:


1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit which has been attached to this Complaint, if any, is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated any exhibits, except that some of the attached exhibits, if any, may contain some of my own handwritten notations.
8. I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on Jan 24, 17.


Karina Avesian

VERIFICATION OF COMPLAINT AND CERTIFICATION

Plaintiff, Elizandra Cruz, hereby says as follows:

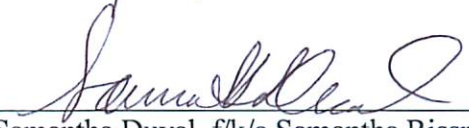
1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit which has been attached to this Complaint, if any, is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated any exhibits, except that some of the attached exhibits, if any, may contain some of my own handwritten notations.
8. I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 11, 2017.


Elizandra Cruz

VERIFICATION OF COMPLAINT AND CERTIFICATION

Plaintiff, Samantha Duval, f/k/a Samantha Rissmiller, hereby says as follows:

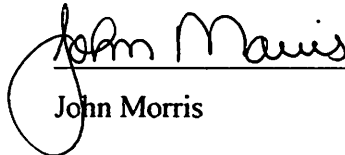
1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit which has been attached to this Complaint, if any, is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated any exhibits, except that some of the attached exhibits, if any, may contain some of my own handwritten notations.
8. I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 1/11/17.


Samantha Duval, f/k/a Samantha Rissmiller

VERIFICATION OF COMPLAINT AND CERTIFICATION

Plaintiff, John Morris, hereby says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit which has been attached to this Complaint, if any, is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated any exhibits, except that some of the attached exhibits, if any, may contain some of my own handwritten notations.
8. I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 1-10-17.




John Morris

VERIFICATION OF COMPLAINT AND CERTIFICATION

Plaintiff, Beth Richino-Brown, f/k/a Beth Richino, hereby says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, *information and belief formed* after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit which has been attached to this Complaint, if any, is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated any exhibits, except that some of the attached exhibits, if any, may contain some of my own handwritten notations.
8. I verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 1-19-17.


Beth Richino-Brown, f/k/a Beth Richino